

Notice of Allowability

Application No.

10/694,315

Examiner

Christopher Boswell

Applicant(s)

JACKSON ET AL.

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed October 27, 2004, and the telephonic interview on December 13, 2004.
2. ☒ The allowed claim(s) is/are 1-26,28-38,40 and 41.
3. ☒ The drawings filed on 13 September 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10/27/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 12/13/04
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffery Gray on December 13, 2004.

The application has been amended as follows:

In **Claim 1**, line 10; --along a translation axis, the translational axis being generally perpendicular to the first pivot axis-- has been inserted after "a fourth position by said actuator".

In **Claim 21**, line 2; replaced "a first end a second end," with --a first end and a second end,--.

Replaced **Claim 26** with: --The latch mechanism of claim 25 wherein said second end of said link member is pivotally attached to said bolt member such that said bolt member is pivotal with respect to said link member about a fourth pivot axis, said fourth pivot axis and said translational axis of said follower being generally located in the same plane when said bolt member is in said fifth position.--.

Canceled **Claim 27**.

Replaced **Claim 37** with: --A method for releasably securing a first structure to a second structure, said method comprising the steps of:

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providing a latch mechanism having a housing, an actuator pivotally attached to the housing, a handle pivotally attached to said actuator, and a bolt member pivotally attached to said housing, said bolt member being coupled to said actuator member;

attaching said housing to the first structure;

pivoting said actuator from a first position to a second position about a first axis;

pivoting said bolt member from an unlatched position to a latched position by said pivotal movement of said actuator from said first position to said second position about a second axis, generally perpendicular to said first axis;

engaging the second structure with said bolt member when said bolt member is in said latched position; and

pivoting the handle with respect to the actuator from an extended position to a retracted position after pivoting the actuator from said first position to said second position.

Canceled Claim 39.

In Claim 40, line 1; replaced "claim 39" with --claim 37--.

Allowable Subject Matter

Claims 1-26, 28-28, and 40-41 are allowed. The following is an examiner's statement of reasons for allowance: The claims are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that of a latch mechanism having a housing (amended claim 1, line 3; claim 33, line 3; and amended claim 37, lines 2-5), an actuator pivotally attached to the housing, where the

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actuator is adapted to pivot about a first axis (amended claim 1, lines 4-6; claim 33, lines 4-5; and amended claim 37, line 7), a follower coupled to the housing, where the actuator moves the follower along a linear translational axis that is perpendicular to the first pivot axis (amended claim 1, lines 9-10; claim 33, lines 6-9; and amended claim 37, lines 8-10), and a bolt member that is pivotally attached to the housing for pivotal movement, where the follower is attached to the bolt member such that the follower is adapted to pivot the bolt member (amended claim 1, lines 11-20; claim 33, lines 10-16; and amended claim 37, lines 8-10), and the method of releasably securing two structures together utilizing the recited latch mechanism (claim 37, lines 1-13).

The closest prior art, U.S. Patent Number 2,927,812 to Smith et al., discloses a latch assembly having a housing, an actuator adapted to pivot around a first axis, a follower coupled to the housing, where the actuator moves the follower along a linear translational axis, and a bolt member that is pivotally attached to the housing, wherein the follower is attached to the bolt member so that the follower pivots the bolt member. However, Smith et al. do not disclose that the pivot axis of the actuator and the linear axis of the follower are perpendicular to each other.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to latch assemblies having compound movement to actuate the bolt:

U.S. Patent Number 6,606,889 to Tweedy, U.S. Patent Number 6,039,363 to Sugimura et al., U.S. Patent Number 6,039,362 to Nadherny, U.S. Patent Number 5,785,362 to Nadherny, U.S. Patent Number 5,638,709 to Clavin, U.S. Patent Number 5,630,507 to Baker, U.S. Patent Number 5,267,762 to Gromotka, U.S. Patent Number 5,098,139 to Larsson, U.S. Patent Number 4,925,221 to Carmody et al., U.S. Patent Number 4,858,970 to Tedsco et al., U.S. Patent Number 4,159,137 to Richter, U.S. Patent Number 2,621,952 to Gander.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB CB
December 13, 2004



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